

10 MAY 2010



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In re Application of:	:	
Carlsson et al.	:	
Application No.: 09/868,526	:	DECISION
PCT No.: PCT/SE99/02311	:	
Int. Filing Date: 10 December 1999	:	ON
Priority Date: 22 December 1998	:	
Atty. Docket No.: CU-2571	:	PETITION
For: Tool Handle	:	

This is in response to the petition filed on 04 March 2010, which is being treated as a renewed petition under 37 CFR 1.137(b), a renewed petition under 37 CFR 1.47(b) and a renewed submission under 37 CFR 1.42.

### **DISCUSSION**

#### *Petition Under 37 CFR 1.137(b)*

In a Decision mailed on 05 October 2009, the petition under 37 CFR 1.137(b) filed on 30 July 2009 was dismissed, without prejudice.

Regarding requirement (1), the required reply has now been submitted, as described below.

Requirements (2), (3) and (4) were satisfied previously. As such, all of the requirements for relief under 37 CFR 1.137(b) have been satisfied.

#### *Petition Under 37 CFR 1.47(b)*

In a Decision mailed on 05 October 2009, the petition filed on 30 July 2009 was treated under 37 CFR 1.47(b) and dismissed, without prejudice, because petitioner had not satisfied requirements 4 and 5.

In response, petitioner has provided a new declaration which satisfies requirement (4).

With respect to requirement (5), petitioner has provided additional evidence with respect to the proprietary interest held by the 37 CFR 1.47(b) applicant. Based on the totality of the evidence now of record, including the newly introduced evidence, it now would be appropriate to conclude that requirement (5) has been satisfied.

As such, all of the requirements for relief under 37 CFR 1.47(b) now have been satisfied.

#### *Submission Under 37 CFR 1.42*

In the Decision mailed on 05 October 2009, it was indicated that

Review of the declaration of the inventors filed on 30 July 2009 reveals that Mr. Bjelksjo has signed the declaration on behalf of (*inter alia*) Irene Elvingsson-Carlsson who is identified as the "legal representative of Stefan Carlsson (deceased)." The declaration lists a citizenship and address of the "nonsigning inventor," but it is not clear whether these data are meant to pertain to the legal representative. 37 CFR 1.497(b)(2) requires (in part) that "If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative." The declaration does not clearly satisfy this requirement. For the reasons discussed above, the declaration is defective. Hence, it would not be appropriate to accept the declaration under 37 CFR 1.42 at this time.

Inspection of the declaration filed on 04 March 2010 reveals that it overcomes these objections, and is otherwise acceptable for purposes of compliance with 37 CFR 1.42 and 37 CFR 1.497(a) and (b).

### **DECISION**

The petitions under 37 CFR 1.137(b) and 1.47(b) are **GRANTED**.

The declaration filed on 04 March 2010 is **ACCEPTED** under 37 CFR 1.42.

As provided in 37 CFR 1.47(b), a notice of the filing of this application will be forwarded to the non-signing inventor and legal representative at his/her last known address of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the Office of Patent Application Processing. The electronic records (PALM) of the USPTO will be updated to show the status of the application as PENDING. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **04 March 2010**.

/George Dombroske/  
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283

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Jacek CHALAS  
Soderasgatan 141  
SE-216 17 Malmö  
SWEDEN

In re Application of:  
Carlsson et al.  
Application No.: 09/868,526  
PCT No.: PCT/SE99/02311  
Int. Filing Date: 10 December 1999  
Priority Date: 22 December 1998  
Atty. Docket No.: CU-2571  
For: Tool Handle

Dear Mr. Chalas:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3283. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Requests for information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/George Dombroske/  
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283

cc: Ladas & Parry  
224 South Michigan Avenue  
Suite 1200  
Chicago IL 60604



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Irene ELVINGSSON-CARLSSON  
512 92 SVENDJUNGA  
SWEDEN

In re Application of:  
Carlsson et al.  
Application No.: 09/868,526  
PCT No.: PCT/SE99/02311  
Int. Filing Date: 10 December 1999  
Priority Date: 22 December 1998  
Atty. Docket No.: CU-2571  
For: Tool Handle

Dear Ms. Elvingsson-Carlsson

You are named as the legal representative of a deceased joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

A named inventor is entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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/George Dombroske/  
George Dombroske  
PCT Legal Examiner  
Office of PCT Legal Administration  
Tel: (571) 272-3283

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